National Transportation Safety Board

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Chairman

Testimony of
Deborah A.P. Hersman, Chairman
National Transportation Safety Board
before the
Committee on Transportation and Infrastructure
Subcommittee on Aviation
U. S. House of Representatives
Reauthorization of the National Transportation Safety Board
Washington, DC
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Good morning, Chairman Costello, Ranking Member Petri, and members of the Subcommittee. As Chairman of the National Transportation Safety Board (NTSB), I am pleased to appear before you today to discuss our request for reauthorization. The members and staff of this Committee, and especially of this Subcommittee, historically have been champions of the NTSB and its important mission. On behalf of our 391 employees, I want to thank you for your unfailing support throughout our history.

Our core mission is to investigate transportation accidents to determine what happened, how it happened, why it happened, and what can be done to keep it from happening again. Today, we continue working hard to improve safety in a transportation world that looks very little like it did when we began in 1967. In the 43 years since our beginning, the mission of the agency has not changed, but the world has. Transportation accidents are increasingly complex as machines and technology become more and more sophisticated. Our challenge today is to remain highly skilled and up-do-date with an expert technical staff and state-of-the-art investigative tools to competently and efficiently conduct the thorough investigations you and the American people expect and deserve.

To give you a glimpse of the work we do, let me tell you what we accomplished in fiscal year (FY) 2009. We issued 18 major accident investigation reports and 2 summary reports. In addition, we produced 15 brief reports, hundreds of regional aviation safety accident briefs, and a special investigation report on pedal misapplications in heavy vehicles. We conducted 13 public or "sunshine" meetings on 14 separate accident reports. We also conducted 6 public hearings on accidents and safety issues, including:

- A 2008 fatal motorcoach accident in Victoria, Texas;
- The safety of helicopter emergency medical services;
- The 2008 collision of a Metrolink commuter train with a Union Pacific freight train in Chatsworth, California;
- The 2009 crash of Colgan Air flight 3407 near Buffalo, New York;
- The 2009 landing of U.S. Airways flight 1549 in the Hudson River in New York; and
- The 2009 crash of Empire Airlines flight 8284 at Lubbock, Texas.

NTSB – FY 2009 At A Glance	
Established:	April 1967
Number of Employees: (by HQ and Regions)	HQ: 299 Regional: 92
Major Reports and Products Adopted by the Board:	18 Major Reports 2 Summary Reports 1 Special Investigation Report 15 Brief Reports
Major Accident Launches:	18
Other Accident Launches:	198
International Accident Launches:	10
Public Hearings:	6
Recommendations Issued:	174
Recommendations Closed:	87 Closed Acceptable Status 22 Closed Unacceptable Status
Vehicle Recorder Readouts:	374
Materials Laboratory Examination Reports:	110

During my tenure on the Board, I have accompanied our investigators on 17 major accident launches. I have watched them drop whatever they were doing, grab their go-bags, and head to an accident scene to get there often before the smoke has cleared. Once on scene, our investigators hardly stop to rest or eat. Some begin the meticulous work of documenting the scene in minute detail, while others seek out witnesses and survivors. While investigators begin piecing together the accident sequence, our Transportation Disaster Assistance team reaches out to victims and their families to help them begin navigating through shock, grief, and – if it is possible – eventually, healing. No one wants a serious accident to ever occur, but when one does

and we send a launch team, I am always amazed and proud of the work our investigation team performs, both on-scene and then later when they return to our offices and labs to continue solving the puzzle.

In FY 2009, we launched to 18 major accidents, including:

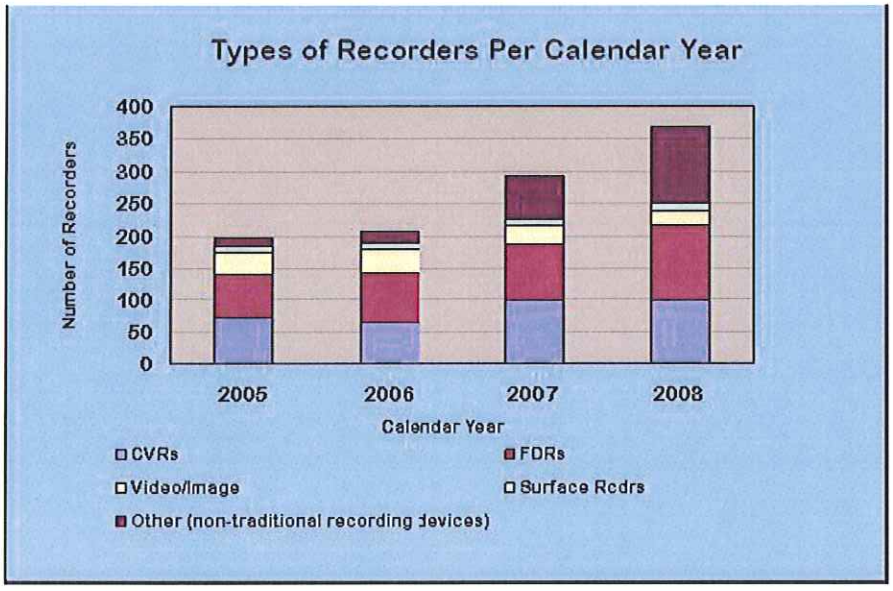
- November 28, 2008: A self-propelled, unmanned shuttle train at Miami International Airport failed to stop at the passenger platform and struck a wall at the end of the guideway. 7 injuries.
- December 20, 2008: A Boeing 737 (Continental flight 1404) veered off the side of the runway and crashed during takeoff from Denver International Airport. No fatalities, 37 injuries.
- January 7, 2009: A 29-passenger bus crossed into the opposite travel lanes and overturned near Dolan Springs, Arizona, ejecting 13 occupants and partially ejecting 2 occupants. 7 fatalities, 10 injuries.
- January 15, 2009: An A320 (U.S. Airways flight 1549) made an emergency landing in the Hudson River following a multiple bird strike just after takeoff from New York's La Guardia Airport. No fatalities.
- January 27, 2009: An ATR-42 cargo aircraft (Empire Airlines flight 8284) crashed short of the runway while landing in Lubbock, Texas. No fatalities.
- February 12, 2009: A Bombardier Dash 8-Q400 operated by Colgan Air (Continental Connection flight 3407) crashed on approach to Buffalo-Niagara International Airport, impacting a house. 50 fatalities.
- March 22, 2009: A Pilatus PC-12 operated by Eagle Capital Leasing crashed on approach to Butte, Montana. 14 fatalities.
- April 12, 2009: An unnamed recreational vessel allided with a towing vessel *Little Man II* near Palm Valley, Florida. 5 fatalities.
- May 4, 2009: An 18-inch diameter high pressure natural gas pipeline ruptured near Palm City, Florida. 3 injuries.
- May 8, 2009: An MBTA light rail passenger train struck the rear of a stopped MBTA train in Boston. The train operator admitted that he was texting on his cell phone when the accident occurred. 51 injuries.
- June 19, 2009: A CN freight train derailed at a highway-rail grade crossing in Cherry Valley, Illinois, causing a breach of 13 tank cars and the release of ethanol, followed by a fire that spread to vehicles stopped at the grade crossing. 1 fatality, 7 injuries;
- June 22, 2009: A WMATA train operating under automatic train control struck the rear of a standing train near Ft. Totten Station in Washington, DC. 9 fatalities, 52 injuries.
- June 26, 2009: A minor accident between a passenger car and a truck tractor/trailer on I-44 near Miami, Oklahoma, blocked the two eastbound lanes of the 4-lane divided highway, causing traffic to stop and a queue to form. Six minutes later, a truck tractor/trailer crashed into the rear of the stopped and slow-moving traffic, causing the collision of 6 vehicles. 10 fatalities, 6 injuries.
- July 1, 2009: An automobile struck a gasoline tank truck near Upper Pittsgrove, New Jersey, rupturing piping beneath the cargo tank (wet lines), resulting in the release of gasoline onto the automobile, which then caught fire. 1 fatality.

- July 15, 2009: A tanker truck rollover occurred as the driver of the truck swerved to avoid colliding with a passenger car which lost control on I-75 near Hazel Park, Michigan. 3 injuries.
- July 15, 2009: A cargo transfer hose ruptured while transferring anhydrous ammonia from a highway cargo tank trailer to a storage tank at an industrial facility in Swansea, South Carolina. The resulting toxic ammonia cloud expanded across a highway where a car drove into the gas cloud causing the death of the driver. 1 fatality; 7 injuries.
- July 18, 2009: A San Francisco MUNI light rail train ran into the rear of a second train at the West Portal Station. 48 injuries.
- August 8, 2009: A Piper PA-32, operated by a private pilot, and a Eurocopter AS350, operated by Liberty Helicopters, collided in midair over the Hudson River near Hoboken, New Jersey. 9 fatalities.

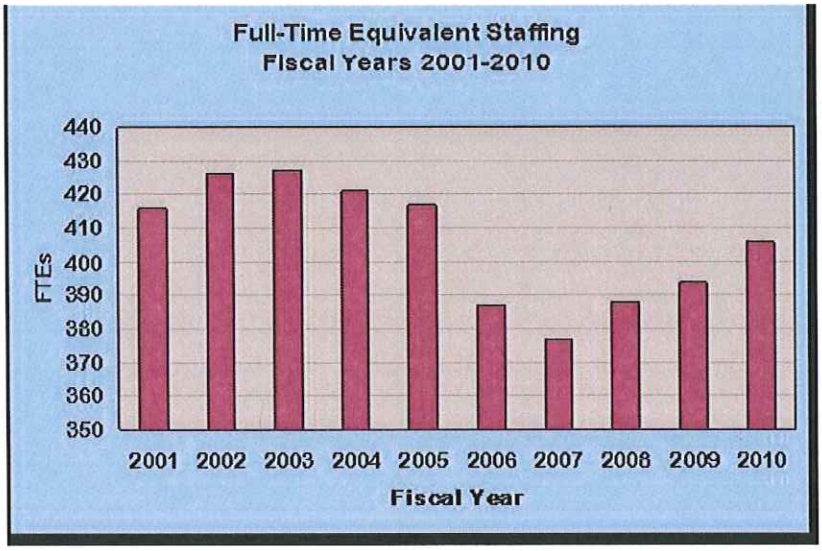
In addition to these major accidents, we launched investigators to 198 accidents, primarily in general aviation, to conduct smaller-scale investigations. We also sent accredited representatives to support 10 foreign accidents including the Air France A330 crash in the Atlantic Ocean on July 1, 2009; the crash of a Sikorsky S-92 helicopter in the sea near St. Johns, Newfoundland, on March 12, 2009; and the crash of a Learjet Model 45 near Mexico City on November 4, 2008.

As you know, the end products of our investigations are our safety recommendations to government agencies, transportation operators, and other stakeholders to improve transportation safety. In our 43-year history, we have issued more than 13,000 recommendations, with an 82 percent acceptance rate. Last year alone, we issued 174 new recommendations. We also closed 109 previously issued recommendations, 87 of those in an acceptable status. Of course, the success of our recommendations is often directly due to the work of our advocates in Congress, many of whom are on this Committee. For example, in 2007, Congress made huge strides in advancing railroad safety with the passage of the Federal Rail Safety Improvement Act of 2008 (Public Law 110-432). This historic bill addressed significant safety issues and long-standing recommendations directed to the rail industry, namely, hours of service and positive train control. The NTSB appreciates your listening to us regarding these recommendations.

One of the busiest parts of our agency—and it is getting busier all the time—is our laboratory. In our vehicle recorder lab, on-board vehicle recorders are downloaded and studied to support accident investigations. In FY 2009, our lab processed 374 cockpit voice and flight data recorders, along with digital cameras, video recordings, GPS navigation devices, cockpit displays and engine monitoring devices. About 30 percent of our flight data and voice recorder readouts support foreign accident investigations. The workload in the vehicle recorder lab continues to grow as the number and complexity of recording devices continually expand. In addition, our materials lab examined evidence collected at accident scenes—anything from aircraft engines to pieces of highways—in search of clues to the causes of accidents. Last year, the materials lab produced 110 separate reports.



Like many government agencies, the NTSB is being called upon to accomplish its goals with fewer resources. We are rising to the challenge, but it is difficult, and we will need the continued support of Congress. In 2003, the NTSB completed 18 major products and 4 public hearings with 427 employees. In 2009, we completed the same number of major products and two additional hearings but with 33 fewer people. In addition, our hiring mix has had to change in recent years to meet regulatory standards in such areas as computer security and contracting requirements. We thus have not been able to focus all of our recent hiring on adding or replacing investigators or transportation specialists.



So how do we accomplish what we do? We have an extraordinary staff. They are smart, they are curious, they love to solve mysteries, and they have an unparalleled passion for transportation safety. This unique mixture of talent and enthusiasm is why they have been able to tell us the causes of hundreds of accidents, explaining why these tragedies happened and what should be done so that they never happen again. These dedicated professionals do this invaluable work at an annual cost of about 30 cents per American.

As with many government agencies now, the NTSB is facing potential staffing shortages due to retirements. Nearly 20 percent of the NTSB workforce is currently eligible to retire. In fact, 21 percent of our investigators and 27 percent of our executives are age 60 or older. Many of our investigative positions require unique expertise, and a failure to anticipate and prepare for retirements in those positions could leave the agency severely hampered in our ability to accomplish our investigative mission. But in the face of this potential critical problem, we also see an unprecedented opportunity to adjust a lack of balance in the diversity of our work force, particularly among our investigators and our executives. Toward that end, we have formed an internal Diversity Task Force to develop aggressive marketing, outreach, and recruitment initiatives to attract highly skilled and diverse candidates to staff the next generation of investigators and managers.

As we begin this dialogue to reauthorize the NTSB, we are asking for technical changes that clarify our statute and a few substantive changes that we believe will improve our ability to thoroughly investigate significant accidents:

- Provide explicit authority for the NTSB to investigate incidents. While the NTSB already investigates transportation incidents that may not result in loss of life or damage to property, for example, runway incursions and near-misses, this change would allow the NTSB to begin a timely investigation of an event that might otherwise be examined first under a process internal to the owning agency or organization. One example of this is a "lost link" situation that occurred between the ground station and an unmanned aircraft system that resulted in an uncontrolled intrusion into the National Airspace System. Another recent example is the 150-mile overflight of an Airbus A320 near Minneapolis. This requested change is consistent with a worldwide push by the International Civil Aviation Organization (ICAO) to its member nations to adopt a more proactive stance in preventing accidents by investigating incidents.

- Clearly articulate the NTSB's right to access critical information related to an accident during a Board investigation. Currently, the NTSB has subpoena power that is enforceable in federal court, but in occasional instances, the Board meets with resistance to this authority with regard to medical and financial records. These records sometimes become critical to an investigation, for example, prescription records to determine the medical fitness of a ship's captain, or credit card records to ascertain the activities of an airline pilot hours before an accident.

In terms of resources, we are asking that the Congress authorize staffing of 477 employees and funding as follows:

- 2011: $117,368,000;
- 2012: $120,258,000;
- 2013: $122,187,000;
- 2014: $124,158,000.[1]

The NTSB is the safety conscience and compass of the transportation industry. Because the NTSB was created with a single focus – safety – we provide industry leaders, other government agencies, and policymakers, such as the members of this Committee, with recommendations regarding what actions should be taken if safety were the first and only objective. As an independent, non-regulatory agency, we can articulate needed safety improvements and innovations without having to demonstrate that they are cost beneficial, profit generating, or politically feasible.

As I mentioned earlier, the transportation world is not the same as it was in 1967. With the help of Congress, we are currently up to the challenge, and with your continued support, we will keep pace with changes that are occurring in transportation, sometimes at breathtaking speed. Thank you for giving me the opportunity to talk to you about this remarkable agency and its dedicated people. I will be happy to answer your questions.

[1] Assumes salaries increase by 2% each year beginning with calendar year 2010 and an inflation factor of 0.5%.